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HUMANIST



**Psychedelics and Religion:
A Symposium**

**Allen Ginsberg-Raziel Abelson
Michael Wyshogrod**

Civil Disobedience-Sidney Hook

**The Homosexual Revolution
Donald J. Cantor**

**The Alimony Trap
Sidney I. Liebowitz**

**The Challenge We Face
Willard Wirtz**

PLUS

**A Supplement:
The American Indian Today**

HUMANIST

A publication of the American Humanist Association

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Humanism is a way of life which relies on human capacities and natural and social resources. Humanists see man as a product of this world—of evolution and human history—and acknowledge no cosmic mind or supernatural purpose or forces. Humanism expresses an attitude or conviction which requires the acceptance of responsibility for human life in this world, emphasizing mutual respect and recognizing human interdependence.

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contents

September/December 1967

Volume XXVII, Nos. 5 and 6

EDITORIALS

- 151 The Moral Crisis in Humanism—Paul Kurtz
- 152 The Arab-Israeli Conflict and the Negro Riots—David Cole Gordon
- 173 Indignation Keeps Us Warm—Roy P. Fairfield

ARTICLES

- 153 Psychedelics and Religion: A Symposium—Raziel Abelson, Allen Ginsberg, Michael Wyschogrod
- 157 Social Protest and Civil Obedience—Sidney Hook
- 160 The Homosexual Revolution; A Status Report—Donald J. Cantor
- 164 The Alimony Trap—Sidney I. Liebowitz
- 167 The Challenge We Face—Willard Wirtz
- 168 Public Funds for Parochial Schools—Aryeh Neier
- 170 One World Via Global Communication Satellites—Oliver L. Reiser
- 185 Epicurus—Roberts W. French
Fifth in the series on humanist views

SPECIAL FEATURES

- Indian Supplement
- 174 Who Speaks for the Indian?—Jack D. Forbes
- 177 The Continuing "Last Indian War"—Janet McCloud
- 180 Indians, White Men, and I—Jerry Gambill
- 183 An Assault in the Sixties—William D. Bachrach

FILM REVIEW

- 186 La Guerre est Finie and The Taming of the Shrew—Robert Gessner

BOOK REVIEWS

- 194 The Autobiography of Bertrand Russell—Gabriel Gersh
- 195 The Metaphysics of Naturalism by Sterling P. Lamprecht—Corliss Lamont
- 196 The Psychology of Science: A Reconnaissance by Abraham H. Maslow—Arthur H. Rogers—Glenn E. Roudabush
- 197 The Harrad Experiment by Robert H. Rimmer—Robert W. McCoy
The Pill Conspiracy by George Johnson—Ernest Morgan
- 198 The Medium is the Massage by Marshall McLuhan—David Ramacitti
Abortion by Lawrence Lader—Dagmar Schultz
- 200 The Encyclopedia of Philosophy edited by Paul Edwards—Rollo Handy
The Sparrow's Fall by Fred Bodsworth—William O. Pruitt, Jr.
Words by Robert Creeley—Roberts W. French

MISCELLANEA

- 201 Reader's Forum
- 205 Index, Volume XXVII, 1967
- 207 Humanist News—Art Jackson

THE HOMOSEXUAL REVOLUTION

A STATUS REPORT

by Donald J. Cantor

Obscured by the Negro revolution, the homosexual is, almost unnoticed, pursuing and advancing his own revolutionary cause. Like the Negro, and like every other group that has fought to establish its rights, the homosexual first had to discover that he deserved rights, that what he had been told about himself was not true, that his intrinsic merit was the equal of his detractor, that he need not feel guilt and inferiority by definition. The homosexual is achieving this sense of inner worth and is thus becoming able to withstand identification, in some instances even bear notoriety in service of his cause.

There was a time when homosexuality was thought to be a result of excessive debauchery, or a morbid predisposition activated by onanistic practices, or the placement of a male soul in a female body, or vice versa. Others postulated that homosexuality was a congenital abnormality, and some thought the explanation lay in the hormonal composition of the body. Thus, early theory, when coupled with theological condemnation ("Thou shalt not lie with mankind, as with womankind: it is abomination." *Leviticus 18:22*; "for even their women did change the natural use into that which is against nature . . . men with men working that which is unseemly . . ." *Romans 1:26, 1:27*) made the homosexual easy to despise, for not only were his acts sinful but his condition was either freakish or degenerate or both.

The movement for homosexual rights could not, therefore, begin until at least one of these premises was challenged. Freud did just that. Freud maintained that all persons are born with a psychic sexual duality, the capacity to express *both* male and female characteristics. He traced the existence of homosexual tendencies to Oedipal trauma but did not identify such childhood difficulties as the exclusive cause. Today, the bulk of psychiatrists will point to the child's resolution of the Oedipus complex as crucial, but admit the existence of other childhood conflicts as possible causes. In short, most will concede that no one really knows what causes homosexuality.

But it was the late Dr. Kinsey's study of the sexual habits of the white American male and female which provided the impetus for the homosexual movement. Kinsey and his researchers concluded that one's sexual direction is conditioned by the effects of initial sexual experiences and the subsequent failure of cultural pressures to alter this direction. Kinsey considered homosexuality to be a capacity inherent in humans, not in some only, and not due to a failure to resolve infantile trauma. He wrote: "The homosexual has been a significant part of human sexual activity ever since the dawn of history, primarily because it is an expression of capacities that are basic in the human animal."

When Dr. Kinsey and his associates set forth their finding

that 37 per cent of the white American males have had at least one homosexual experience involving orgasm during their lives, they delivered a body blow to homosexual mythology from which it can never recover, for the stereotyped homosexual—the effeminate, mincing dandy—clearly was not one of every three males, and this meant that the great majority of persons who had expressed homosexual inclinations looked just like those who despised them. The inferior image, the crucial difference which had made the mythological homosexual ridiculous, and thus easily persecutable, was suddenly labeled false. Kinsey also attacked the old convenient notion of sexual categories, the idea that one was homosexual or heterosexual the way one was American or alien, and showed instead that sexual activity covered a broad spectrum, much of which was a mixture of homosexual and heterosexual, not clearly either. And thus was the purity of the heterosexual sullied. Kinsey forced society to see that, instead of having just heterosexuals and homosexuals, it had many active bisexuals, and many more who were potentially so.

Ten years later, in 1958, the Wolfenden Report was issued in London, and the homosexual movement was blessed with a champion of unimpeachable qualification and respectability.

This report by an English parliamentary committee would have been important solely because it recommended that private, adult, consensual homosexual acts be made lawful, but it was infinitely more important because of the caliber of its membership and because of its depth of research. The Wolfenden Report considered the varied arguments against making such acts lawful, i.e., that homosexuality deprives society of children, that homosexuality creates nervous, undependable persons, that homosexuality menaces the health of society, that homosexual behavior threatens the family, and that homosexuals may turn eventually to minors, and rebutted them all. This Report concluded that overpopulation, not underpopulation, was the social danger, that nervous homosexuals are so because of the present law not because of their homosexuality, that homosexuality is no threat to the social health, that homosexuality is no greater threat to the family than heterosexuality, and that, if anything, legalization of private, adult, consensual homosexual acts would decrease homosexual overtures to minors since these would remain unlawful.

The Wolfenden Report, however, served a greater function than the arguments and conclusions it advanced. It occasioned a great parliamentary debate, one which became a national and then an international education. Homosexuality, once a totally unmentionable subject, a contamination even to contemplate, became a topic people actually discussed and thought about and argued over—all without apparent injury.

Since the Wolfenden Report, more has happened to focus on and alleviate the troubles of the homosexual in the United States than in all the years prior.

In 1961, Illinois amended her criminal statutes and now does not make adult, private, consensual homosexual acts a crime.

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Last year the criminal law of New York state came close to being similarly revised when a bill was presented to the legislature which would have made adult, private, consensual homosexual acts lawful, but this bill was amended on the floor of the legislature and such acts remain misdemeanors in New York state. But this last minute failure is of far less import than the fact that the attempt was made to liberalize New York law and that it nearly succeeded.

North Carolina amended its sodomy statute in 1965, eliminating a punishment of not less than five nor more than sixty years, and substituting in its place a fine or imprisonment "in the discretion of the court." The eradication of the five year minimum sentence constitutes definite progress. Since the American Law Institute has drafted its Model Penal Code with this recommendation in it, in light of the influence of the Institute and the prestige of its members, there can be little doubt that like amendments will be offered in other states and probably again in New York.

But the true progress of the movement cannot be solely or even primarily gauged by statutory changes, although these changes are the primary goals. Much more crucial at this time are developments within the churches and within the homophile organization themselves. The churches are important because homosexuality is mainly despised for reasons based upon the religious concept that homosexual acts are sinful. Thus, if the revolution of the homosexual is to succeed, it must reach the churches. This it is doing.

The Methodist Conference and the Congregational Union indicated support of the Wolfenden Report in 1958. In Philadelphia, during November of 1965, a special symposium met to discuss the homosexuality question in its various aspects, many different disciplines being represented. The reason, I was told, for the symposium being convened was that the United Presbyterian Church had felt the need to speak to the problem. (Churchmen, I have learned, never speak of or about a problem, but only to it.)

In Hartford, Connecticut, the Greater Hartford Council of Churches has for two years had a committee existent to study homosexuality and devise means by which the church can assist the homosexual, both as a group and as individuals. Great interest in this work has been manifested by other Councils of Churches throughout the United States. Denver has had an active Council of Churches. San Francisco, in 1964, formed the Council on Religion and the Homosexual, its purpose being "To promote a continuing dialogue between the religious community and homosexuals," and, in New York, the George W. Henry Foundation has, since 1948, offered assistance in many different forms to homosexuals in trouble. It has received backing from the Episcopal ministry, in particular, and now has a Connecticut branch which has broad Protestant support. In November, 1966, The National Council of Churches, Department of Ministry, meeting in White Plains, New York, discussed the relation of the church and the homosexual, and in

August of 1966, The World Council of Churches, meeting in London, held a seminar on this question.

As to the homophile organizations themselves, they are not only existent and operative, but are becoming vocal and militant. Homophile organizations are no longer content to provide social comradeship and mutual reassurance: they are evolving into organs of protest, media for propaganda and active lobbyists. Their leaders do not shrink from publicity or shun public identification. The Homosexual Law Reform Society of America in Philadelphia has organized public demonstrations and distributed leaflets protesting the exclusion of homosexuals from the armed services. Mr. Clark Polak, Executive Secretary of the Homosexual Law Reform Society, has appeared on radio and television, at symposia, before service organizations, and has spoken to a great diversity of audiences to decry the injustice America inflicts on its homosexuals. When the Florida Legislature contemplated legislation deemed inimical to homosexuals, Richard Inman, President of Athenaeum Society of America, Inc., now The Mattachine Society of Florida, Inc., not only propagandized and lobbied, but had articles sympathetic to his cause printed and distributed to all legislators. Homophile organizations have picketed the White House, Pentagon, State Department and the U.S. Civil Service Commission in Washington and the Philadelphia Navy Yard, among others. A survey taken by and of the Florida Mattachine Society indicated 82 per cent of those questioned were in favor of public picketing by homosexuals, and sentiment in other homophile groups in the country appears similarly inclined.

This personal involvement of homosexuals in public advocacy of their view often accomplishes infinitely more than the propagation of those views. It serves the function of exposing the stereotype for the ridiculous nonsense it is. Every time a homosexual leader appears publicly, walks to his seat without swaying, dressed without frills, talking without a lisp, forcing his audience to the realization that they would not realize he was homosexual if he didn't tell them, a great stride is made. These leaders know this and thus seek constantly to address groups of all kinds. Nothing induces a man to feel tolerance more than seeing similarity between himself and the ones previously scorned. Difference is the root of prejudice, and prejudice dies as difference dissipates.

Those who administer the law give further evidence of this new feeling about homosexuality. Prosecutors, in deciding whether to prosecute and on what charge, and judges, in determining how to sentence, are good barometers of current social values. There is an unmistakable tendency today to allow homosexuals to plead guilty to lesser charges than those for which they were arrested and to sentence leniently, often with probation in place of incarceration. A study of the disposition of arrests for felonious homosexual acts in Los Angeles County, in March, 1966, *U.C.L.A. Law Review*, showed that only .6 per cent (3 defendants of 493) received ultimate felony dispositions. The remainder were all treated as misdemeanor of-



fenders and the great majority received suspended sentences, probation or fines. John Gerassi, in his recently-published book, *The Boys of Boise*, indicates that this trend is not restricted to the larger, supposedly more sophisticated metropolitan centers, but is a present fact of legal life in Boise, Idaho, as well.

There are other extremely important philosophical influences which are having and will continue to have their effect on the law and the relation of the law to the homosexual. One is the opinion that law should not legislate morality, but should rather confine its proscriptions to those areas where acts or omissions have demonstrably injurious social consequences. This is not, of course, a philosophical innovation; the same notion was quite eloquently advanced by John Stuart Mill in his essay *On Liberty*, and by others of note, but its adoption with specific reference to the question of homosexual acts by a Catholic body is of special importance.

When the Commission which produced the Wolfenden Report was created, it requested the view of many different committees representing churches, professions, and other organizations. The late Cardinal Griffin of Westminster commissioned *The Roman Catholic Advisory Committee on Prostitution and Homosexual Offenses and the Existing Law*, and the report of this body, while stating "all directly voluntary

sexual pleasure outside of marriage is sinful," nonetheless also stated:

It is not the business of the State to intervene in the purely private sphere but to act solely as the defender of the common good. Morally evil things so far as they do not affect the common good are not the concern of the human legislator.

This singularly statesmanlike report went further, adding the following particularity.

Attempts by the State to enlarge its authority and invade the individual conscience, however high-minded, always fail and frequently do positive harm. The Volstead Act in the U.S.A. affords the best recent illustration of this principle. It should accordingly be stated clearly that penal sanctions are not justified for the purpose of attempting to restrain sins against sexual morality committed in private by responsible adults. They are, as later appears, at present employed for this purpose in this country and should be discontinued because:

- (a) they are ineffectual;
- (b) they are inequitable in this incidence;
- (c) they involve severities disproportionate to the offense committed;
- (d) they undoubtedly give scope for blackmail and other forms of corruption.

The position advanced by this Report gives a rationale for allowing private, adult, consensual homosexual acts to be lawful to those who regard those acts as morally odious, and therein lies its special significance and value. Now the one with moral objections can be approached, and often persuaded, to favor law reform on the fundamental basis of the need to separate theological morality from state power: the cause of the homosexual thus becomes identified with, and understandable to, all those groups whose history contains instances of persecution resulting from the joinder of morality and criminal law.

The second new philosophical position is that sexual acts should not be condemned morally simply because of their nature, but rather that sexual acts, like any acts, are moral or not depending upon the intentions behind them and the effects of them. In an address before the Missionary Society of the Berkeley Divinity School, on November 23, 1964, Dr. Alfred A. Gross, Executive Director of the George W. Hency Foundation, and long-time advocate of homosexual law reform, expounded this view as he has continued to do since.

And in the January, 1967, issue of *The Living Church*, a weekly magazine of the Episcopal Church, the Reverend R. W. Cromey, Vicar of St. Aidan's Church in San Francisco, calling for homosexual law reform as recommended by the Wolfenden Committee, stated:

I believe that the sex act is morally neutral. There is no sex act which in itself is sinful... I also believe that two people of the same sex can express love and deepen that love by sexual intercourse.

Acceptance of this view would necessarily lead to the law reform sought by the homosexual in light of the absence of any valid utilitarian reasons for the present restrictive laws.

The progress made by the homosexual toward equality has been assisted by a rash of plays (*The Toilet, A Taste of Honey, The Sign in Sidney Brustein's Window*), movies (*The Victim, Darling, The Leather Boys*), non-fiction books (*The Homosexual in America, In Defense of Homosexuality, The Homosexual in America*), and fiction by such established authors as Jean Genet, Gore Vidal and James Baldwin. In the law of obscene communication, the United States Supreme Court has facilitated the creation and distribution of literature dealing with homosexuality, and especially matter designed especially for homosexuals, by ruling that homosexual materials, including male nudes, are not ipso facto obscene. As the result of *Mishkin v. New York*, decided by the Supreme Court on March 21, 1966, material is obscene if the dominant theme of it taken as a whole appeals to the prurient interest in sex, not of the average man, but rather of the members of any special group—such as homosexuals—for which such material was designed and to which it was primarily disseminated.

The attitudes thus expressed should be contrasted, to be appreciated, with a 1922 Ohio case in which the judge referred to males who commit homosexual acts as "human degenerates" and "sexual perverts," or the 1938 Maine case in which the Maine Supreme Court had this to say:

The statute (sodomy) gives no definition of the crime but with due regard to the sentiments of decent humanity treats it as one not fit to be named, leaving the record undefiled by the details of different acts which may constitute the perversion.

Contrast it also with the older attitudes manifested in the sodomy statutes of the various states. In fourteen states the forbidden acts, which include acts between males and females as well as between persons of similar sex, are described as "abominable" or as both "abominable" and "detestable." (What does "detestable" add that "abominable" omits?) In seven states the acts are called "infamous." In ten states the phrases "crime

against nature" or "against the order of nature" are used adjectivally; in three states "unnatural," "abnormal," or "perverted" are used. The depth and degree of antipathy which once characterized the public view of homosexual acts can be best appreciated when one recalls that no other crimes, including premeditated murder and rape, are so described.

It would be facile and utterly misleading to imply that the American homosexual is on the threshold of victory in his battle for equality. It is still painfully true that every state but Illinois condemns the private, adult, consensual acts of homosexuals as criminal, that in seven states life imprisonment is a possible sentence for such acts, and that in thirty-five other states the maximum penalty is at least ten years. When Sir Cyril Osborne, Conservative Member of Parliament, said during debate, "I am rather tired of democracy being made safe for the pimps, the prostitutes, the spivs, the pansies, and now, the queers," he may have spoken for a distinct minority in England (a recent Gallup Poll in England showed 60 per cent of those polled favored homosexual law reform), but it is probable that he reflected the opinions of a larger percentage of Americans, though many would not be quite so intense about it.

John Gerassi tells us that only a decade ago a great number of Boiseans thought that homosexuals were communists. But the trend is clear. The opposition to homosexual law reform is progressively diminishing. The large amount of extortion and blackmail which has victimized the homosexual has reached public consciousness and created sympathy, and forced upon the public the realization that these anti-homosexuality laws, even when not strictly enforced, set the stage by their very existence for this extortion and blackmail. People are becoming aware that England is on the verge of making adult, private, consensual homosexual acts lawful, and wondering whether our oldest teacher has yet another lesson for us to learn.

There is a new sense of perspective alive in the land, born at Hiroshima, which has equipped men to appreciate the dimensions of real danger, and has made them less able to view alleged sexual dangers such as homosexuality quite as seriously as once was possible. There is a sense of reappraisal, an unwillingness in an age of incredible change to presume the rightness of doctrine simply because doctrine is and was. Fittingly, sexual mores are getting perhaps the most serious reappraisal, partially because of the pill and intrauterine device, but more, I think, because the sexual dogmas have had the greatest rigidity and least realism. Homosexuality therefore is benefiting, as part of the general field of sexuality, from this rising examination of the old rules governing intercourse out of marriage, abortion, censorship, and divorce.

There is also not a new, but an increased sense of the dignity of man and of man's right to dignity. The goals of the Negro are now national goals to an extent never before even approximated, not because he is Negro but because he is human. The homosexual is being gradually recognized as one seeking similar goals and deserving them.

Where a sexual act is done publicly, it is a nuisance and an invasion of the public's right to public propriety. It deserves punishment. Where a sexual act is committed with a minor, it is an invasion of the minor's right to privacy until he reaches the age of consent. It deserves punishment. Where a sexual act is done through force, duress, or fraud, or under any circumstances where consent is absent, it is an assault and deserves punishment. But where the act is private, between two consenting adults, where there is no victim, where nothing occurs but the physical expression of affection, it should not be punished.

Equality for the homosexual is an ethical imperative and the American people are beginning to realize this. ▲